

#6

FITZPATRICK, CELLA, HARPER & SCINTO

1900 K STREET, N.W.
WASHINGTON, D.C. 20006-1110
(202) 530-1010

Facsimile:(202) 530-1055

RECEIVED**FACSIMILE COVER SHEET**

29 SEP 2000

TO: Mr. Anthony Smith
USPTO/PCT

Legal Staff
International Division

FROM: Rick Bauer

RE: SN 09/180,629

FAX NO.: (703) 308-6459

DATE: September 29, 2000

NO. OF PAGES: 4
(including cover page)

TIME:

SENT BY:

MESSAGE

Mr. Smith,

As discussed. Thanks for your help.

Rick Bauer

**IF YOU DO NOT RECEIVE ALL THE PAGES
PLEASE CALL 202-530-1010 AS SOON AS POSSIBLE.**

Note: We are transmitting from a Canon Model FAX-L770
(compatible with any Group I, Group II or Group III machine).

THIS FACSIMILE MESSAGE AND ACCOMPANYING DOCUMENTS ARE INTENDED ONLY FOR THE USE OF THE ADDRESSEE INDICATED ABOVE. INFORMATION THAT IS PRIVILEGED OR OTHERWISE CONFIDENTIAL MAY BE CONTAINED THEREIN. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, REVIEW OR USE OF THIS MESSAGE, DOCUMENTS OR INFORMATION CONTAINED THEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE OR FACSIMILE AND MAIL THE ORIGINAL TO US AT THE ABOVE ADDRESS. THANK YOU.

1814.31

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Unknown
AARON FENSTER, ET AL.)	
	:	Group Art Unit: Unknown
Appln. No.: 09/180,629)	
	:	
Filed: November 13, 1998)	
	:	
For: THREE-DIMENSIONAL)	September 29, 2000
IMAGING SYSTEM	:	
)	

BOX PCT

Assistant Commissioner for Patents
Washington, D.C. 20231
Attention: Anthony Smith

REQUEST FOR RECONSIDERATION

Sir:

Applicants Aaron Fenster and Kenneth Dunne respectfully request reconsideration of the Rule 47 Petition (Dismissed) filed November 12, 1999 on the ground that the same petition on the same facts was granted in co-pending Application No. 09/297,361.

FACTS

1. On November 12, 1999, the undersigned filed a RESPONSE TO MISSING REQUIREMENTS UNDER 35 U.S.C. 371, a PETITION UNDER 37 CFR 1.47(a), and a DECLARATION OF RICHARD P. BAUER IN SUPPORT OF PETITION UNDER 37 CFR § 1.47(a).

2. On December 9, 1999, the Petition was dismissed on the ground that it lacked factual proof that the missing joint inventor could not be reached after diligent effort.

3. Shortly after the dismissal, the undersigned telephoned the PCT Legal Branch and called attention to the fact that the same petition on the same facts was granted in co-pending Application No. 09/297,361. Specifically, the same Petition with the same facts was filed September 10, 1999 in co-pending Application No. 09/297,361. That Petition was granted on October 26, 1999. The PCT Legal detailee advised the undersigned that the file would be reviewed and a new communication issued. That has not yet happened.

RELIEF REQUESTED

Since the USPTO PCT Branch has already granted the same Petition showing that joint inventor Mr. Shane Dunne could not be found or reached after diligent effort, Applicants Aaron Fenster and Kenneth Dunne respectfully request that the August 25, 1999 Petition Under 37 C.F.R. § 1.47(a) be reconsidered and granted.

FEE

The Commissioner is hereby authorized to charge Deposit Account No. 06-1205 for any extension of time under 37 CFR 1.136 for filing this Request. However, since the USPTO advised the undersigned that a new communication would be forthcoming, and since no new communication has been issued, it is respectfully submitted that no fee is due.

Applicants' undersigned attorney may be reached in our Washington office by telephone at (202) 530-1010. All

correspondence should continue to be directed to our below listed address.

Respectfully submitted,


Attorney for Applicants

Registration No. 31,588

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200